

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: FOSAMAX (ALENDRONATE SODIUM)
PRODUCTS LIABILITY LITIGATION (NO. II)

MDL No. 2243

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-3)

On May 23, 2011, the Panel transferred 10 civil action(s) to the United States District Court for the District of New Jersey for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. §1407. *See* F.Supp.2d (J.P.M.L. 2011). Since that time, 9 additional action(s) have been transferred to the District of New Jersey. With the consent of that court, all such actions have been assigned to the Honorable Garrett E Brown, Jr.

It appears that the action(s) on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the District of New Jersey and assigned to Judge Brown.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action(s) on the attached schedule are transferred under 28 U.S.C. §1407 to the District of New Jersey for the reasons stated in the order of May 23, 2011, and, with the consent of that court, assigned to the Honorable Garrett E Brown, Jr.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of New Jersey. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Jeffery N. Lüthi
Clerk of the Panel

I HEREBY CERTIFY that the above and
foregoing is a true and correct copy
of the original on file in my office.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
WILLIAM T. WALSH, CLERK

By Deputy Clerk
Deputy Clerk

**IN RE: FOSAMAX (ALENDRONATE SODIUM)
PRODUCTS LIABILITY LITIGATION (NO. II)**

MDL No. 2243

SCHEDULE CTO-3 – TAG-ALONG ACTIONS

DIST DIV. C.A.NO. CASE CAPTION

LOUISIANA EASTERN

LAE 2 11-01361 Swiatowy v. Merck &Co., Inc. et al

OHIO SOUTHERN

OHS 3 11-00202 Graves v. Merck, Sharp &Dohme, Corp et al